

Hernandez

Van de Pette

By   Alvarado

H. B. No. 1792

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Edwards Aquifer Water Resource Management Authority and the management of the Edwards Aquifer; granting the power of eminent domain; providing civil and criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. FINDINGS AND DECLARATION OF POLICY. It is hereby found that the Edwards Aquifer is a unique and complex hydrological system, with diverse economic and social interests dependent upon the aquifer for water supply. In order to sustain these diverse interests, a special regional management district is required for the effective control of the resource to protect terrestrial and aquatic life, the operation of existing industries, and the economic development of the state; and that use of water in the district for beneficial purposes requires that all reasonable measures be taken to be conservative in our water use.

SECTION 2. CREATION. (a) A conservation and reclamation district, to be known as the Edwards Aquifer Water Resource Management Authority, is created in Atascosa, Bexar, Comal, Guadalupe, Hays, Kinney, Medina, and Uvalde counties. A confirmation election is not necessary. The authority is a governmental agency and a body politic and corporate.

(b) The authority is created under and is essential to

1 accomplish the purposes of Article XVI, Section 59, of the Texas
2 Constitution.

3 SECTION 3. DEFINITIONS. In this Act:

4 (1) "Aquifer" means the Edwards Aquifer, which is that
5 portion of an arcuate belt of porous, water-bearing, predominately
6 carbonate rocks known as the Edwards and Associated Limestones in
7 the Balcones Fault Zone extending from west to east to northeast
8 from the hydrologic division near Brackettville in Kinney County
9 that separates underground flow toward the Comal Springs and San
10 Marcos Springs from underground flow to the Rio Grande Basin,
11 through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal
12 counties, and in Hays County south of the hydrologic division near
13 Kyle that separates flow toward the San Marcos River from flow to
14 the Colorado River Basin.

15 (2) "Authority" means the Edwards Aquifer Water
16 Resource Management Authority.

17 (3) "Beneficial use" means the use of only that amount
18 of water that is reasonable and necessary for a purpose authorized
19 by law, when reasonable intelligence and reasonable diligence are
20 used in applying the water to that purpose. Water that is wasted
21 or inefficiently used because of, but not limited to, inefficient
22 withdrawal works or distribution systems, excessive applications,
23 excessive or unnecessary evaporation, transpiration, or seepage,
24 the discharge or escape of water from a well into a surface stream
25 or reservoir for no authorized beneficial purpose, or by pollution
26 is not beneficially used.

27 (4) "Board" means the board of directors of the

1 authority.

2 (5) "Commission" means the Texas Water Commission and
3 any successor agency.

4 (6) "Conservation" means any measure that would
5 sustain or enhance water supply.

6 (7) "Domestic use" means use of water by a person
7 owning the well from which the water is withdrawn and that person's
8 household for drinking, washing, or culinary purposes; for
9 irrigation of lawns; for irrigation of a family garden or orchard
10 the produce of which is for household consumption only; and for
11 watering of domestic animals not raised, maintained, or sold for
12 commercial purposes.

13 (8) "Existing user" or "existing withdrawer" means a
14 person that has withdrawn and beneficially used water from the
15 Edwards Aquifer on or before September 1, 1993.

16 (9) "Industrial use" means the use of water for or in
17 connection with commercial or industrial activities, including but
18 not limited to, manufacturing, commercial feedlot operations,
19 commercial fish production, bottling, brewing, food processing,
20 scientific research and technology, recycling, production of
21 concrete, asphalt, and cement, cooling-tower heat exchange,
22 commercial uses of water for tourism, entertainment, and
23 hotel/motel lodging, generation of power other than hydroelectric,
24 and other business activities.

25 (10) "Irrigation use" means the use of water for the
26 irrigation of commercial crops, including orchards, and for
27 pastureland.

1 (11) "Municipal use" means the use of potable water
2 within or without a municipality and its environs whether supplied
3 by a person, privately owned utility, political subdivision, or
4 other entity, as well as the use of municipal sewage effluent for
5 certain purposes specified as follows. It includes the use of
6 potable water for domestic purposes, fighting fires, sprinkling
7 streets, flushing sewers and drains, water parks and parkways, and
8 recreational purposes including public and private swimming pools,
9 the use of water in industrial and commercial enterprises supplied
10 by a municipal distribution system without special construction to
11 meet its demands, and for the watering of lawns and family gardens.
12 Municipal use also includes the application of municipal sewage
13 effluent upon land sites, pursuant to a permit issued under Article
14 26, Water Code, where:

15 (A) the primary purpose of the application is
16 the treatment or necessary disposal of such effluent; or

17 (B) the application site is a park, parkway,
18 golf course, or other landscaped area owned by the owner of the
19 permitted sewerage system; or

20 (C) the effluent applied to such site is
21 generated within an area for which the authority has adopted a
22 nondischarge rule.

23 (12) "Person" means an individual, corporation,
24 organization, government or governmental subdivision or agency,
25 business trust, estate, trust, partnership, association, and any
26 other legal entity.

27 (13) "Pollution" means the alteration of the physical,

1 thermal, chemical, or biological quality of any water in the state,
2 or the contamination of any water in the state, that renders the
3 water harmful, detrimental, or injurious to humans, animal life,
4 vegetation, property, or public health, safety, or welfare or that
5 impairs the usefulness of the public enjoyment of the waters for
6 any lawful or reasonable purpose.

7 (14) "Reuse" means authorized use for one or more
8 beneficial purposes of use of water that remains unconsumed after
9 the water is used for the original purpose of use and before the
10 water is discharged or otherwise allowed to flow into a
11 watercourse, lake, or other body of state-owned water.

12 (15) "Waste" means:

13 (A) water that is withdrawn from the aquifer and
14 not used for a beneficial purpose;

15 (B) unreasonable loss of water through faulty
16 design or negligent operation of a well or application system;

17 (C) use of quantities of water in an amount in
18 excess of the amount reasonably necessary to beneficially use the
19 water for an authorized purpose; or

20 (D) withdrawal of water from the aquifer at a
21 rate, in an amount, or in a manner that:

22 (i) threatens to cause pollution of the
23 aquifer by the intrusion of water or contaminants detrimental to
24 any beneficial purpose; or

25 (ii) adversely affects surface water
26 quality.

27 (16) "Well" means a bored, drilled, or driven shaft or

1 an artificial opening in the ground made by digging, jetting, or
2 some other method where the depth of the shaft or opening is
3 greater than its largest surface dimension but does not include a
4 surface pit, surface excavation, or natural depression.

5 (17) "Withdrawal" means an act or a failure to act
6 that results in taking water from the aquifer by or through
7 man-made facilities, including pumping, withdrawing, or diverting
8 aquifer water.

9 (18) "Well J-17" means state well number AY-68-37-203
10 located in Bexar County.

11 SECTION 4. BOUNDARIES. The authority includes the territory
12 contained within the following area:

13 (1) all of the areas of Bexar, Comal, Medina, and
14 Uvalde counties;

15 (2) the part of Kinney County beginning with the west
16 corner of the Wm. B. Scates Survey 236, Kinney County, Texas,
17 which is also the south corner of the Sam'l. D. Maverick Survey;

18 THENCE northeast along the northwest line of said Wm. B.
19 Scates Survey to the west corner of the George Weeks Survey 237;

20 THENCE northeast along the northwest line of said Survey to
21 the north corner of said Survey;

22 THENCE continuing in the same line to the north line of
23 Survey 936 1/2, which is in the south line of fractional Section
24 90, Block 6, I. & G. N. RR. Co. Survey;

25 THENCE northwest to the west corner of said fractional
26 Section which is in southwest corner of Section 89 of said Block of
27 said Survey;

1 THENCE north along the west lines of Sections 89, 88, and 87
2 of said Block of said Survey to the northwest corner of Section 87;

3 THENCE east along the north line of said Section to the
4 northeast corner of said Section, which is the southwest corner of
5 Section 3 of said Block of said Survey;

6 THENCE north along the west line of said Survey to its
7 northwest corner;

8 THENCE east along the north line of said Survey to its
9 northeast corner, which is the southwest corner of Survey 29 of
10 Block 6, I. & G. N. RR. Co. Survey;

11 THENCE north along the west line of Survey 29 to its
12 northwest corner;

13 THENCE along the north line of said Survey 29 to its
14 northeast corner, which is southwest corner of Survey 31, Block 6,
15 I. & G. N. RR. Co. Survey;

16 THENCE north along the west line of Survey 31 to its
17 northwest corner;

18 THENCE east along the north line of said Survey to its
19 northeast corner, which is the southwest corner of the Section 34,
20 Block 6, I. & G. N. RR. Co. Survey;

21 THENCE north along the west line of Section 34 to its
22 northwest corner, which is the southwest corner of the David C.
23 Lucas Survey 601;

24 THENCE north along the west line of said David C. Lucas
25 Survey 601, passing the northwest corner of said Survey and
26 continuing north along the west line of the Salitha Banks Survey
27 602 to its northwest corner;

1 THENCE east along its north line to the northeast corner of
2 said Survey, which is the southeast corner of the Alexander
3 McDonald Survey 606;

4 THENCE north along the east line of said Survey to the
5 northeast corner which is in the south line of Section 5, Block 1,
6 T. C. Ry. Co. Survey;

7 THENCE east along the south line of said Section 5 to its
8 southeast corner;

9 THENCE north along the east line of said Section 5 to the
10 northeast corner of said Section, which is the northwest corner of
11 Section 6, Block 1, T. C. Ry. Co. Survey;

12 THENCE east along the north line of said Section 6 to the
13 northeast corner of said Section;

14 THENCE continuing in this line through the G. C. & S. F. Ry.
15 Co. Survey 813 and the Mrs. F. V. deRubic Survey 987 to the west
16 line of the Z. C. Collier Survey 998;

17 THENCE north along the west line of said Survey to its
18 northwest corner;

19 THENCE east along the north line of said Survey to its
20 northeast corner and continuing east along a north line of Survey
21 550 to an interior corner of said Survey;

22 THENCE north along a west line of said Survey to a northwest
23 corner of said Survey;

24 THENCE east along the north line of said Survey to its
25 northeast corner, which is a southeast corner of the G. RR. Co.
26 Survey 549;

27 THENCE north along an east line of said Survey to an interior

1 corner;

2 THENCE northeast along an east line of said Survey to a
3 northeast corner of said Survey;

4 THENCE continuing northeast on the same line to the north
5 line of G. C. & S. F. Ry Co. Survey 567;

6 THENCE northeast along the north line of the G. C. & S. F. Ry
7 Co. Survey 567 to the northeast corner of said Survey, which is in
8 the west line of Survey 568;

9 THENCE along the west line of said Survey to its northwest
10 corner, which is in the south line of the A. & B. Survey 31;

11 THENCE northeast along the south line of said Survey to its
12 southeast corner;

13 THENCE northwest along the east line of said Survey to its
14 northeast corner, which is a northwest corner of the G. A. Andrews
15 Survey 858;

16 THENCE northeast along a north line of said Survey to an
17 interior northwest corner of said Survey;

18 THENCE northwest along a west line of said Survey to a
19 northwest corner of said Survey;

20 THENCE northeast along a north line of said Survey to a
21 northeast corner of said Survey, which is in the west line of
22 Survey 790;

23 THENCE northwest along the west line of said Survey to a
24 northwest corner of said Survey;

25 THENCE northeast along a north line of said Survey to an
26 interior corner of said Survey;

27 THENCE continuing northeast in the same line to the west line

1 of the G. C. & S. F. Ry. Co. Survey 789;

2 THENCE northwest along the west line of said Survey to its
3 northwest corner;

4 THENCE northeast along the north line of said Survey to its
5 northeast corner, which is an interior corner of the W. W. Blanton
6 Survey 803;

7 THENCE southeast along a south line of said Survey to a
8 southeast corner of said Survey;

9 THENCE northeast along an east line of said Survey to an
10 interior corner of said W. W. Blanton Survey 803;

11 THENCE east along a south line of said Survey to a southeast
12 corner of said Survey;

13 THENCE northwest along an east line of said Survey to a
14 northeast corner of said Survey, which is in the south line of the
15 T. C. Ry. Co. Survey 795;

16 THENCE northeast along the south line of said Survey to its
17 east corner, which is an interior corner of the T. A. J. Childress
18 Survey 857;

19 THENCE northwest along a west line of said T. A. J. Childress
20 Survey 857 to a northwest corner of said Survey;

21 THENCE northeast along a north line of said Survey to an
22 interior corner of said Survey;

23 THENCE north along a west line of said Survey to a northwest
24 corner of said Survey;

25 THENCE east along a north line of said Survey to its
26 northeast corner, which is in the west line of the Solomon Rugle
27 Survey 977;

1 THENCE continuing in the same line to the east line of said
2 Solomon Rugle Survey 977, which is in the west line of Survey 800;

3 THENCE north along the west line of said Survey to its
4 northwest corner;

5 THENCE east along the north line of said Survey to its
6 northeast corner, which is the northwest corner of Survey 799;

7 THENCE east along the north line of said Survey to the
8 Kinney-Uvalde County line;

9 THENCE south along said county line to the south line of
10 Survey 799, which is in the north line of Survey 442;

11 (3) the part of Hays County beginning on the northwest
12 line of the R. B. Moore Survey, Abstract 412, in Comal County
13 where it crosses the Comal County-Hays County line northeast along
14 the northwest line of said Survey to the northeast corner of said
15 Survey in Hays County, Texas;

16 THENCE southeast in Hays County, Texas across the Jas.
17 Deloach Survey, Abstract 878, to the most westerly northwest corner
18 of the Presidio Irrigation Co. Survey, Abstract 583;

19 THENCE northeast along the northwest line of said Survey to
20 its most northerly northwest corner;

21 THENCE continuing in the same line across the R.S. Clayton
22 Survey 2, Block 742, to the west line of the H. & G. N. RR. Co.
23 Survey 1, Abstract 668;

24 THENCE north along the west line of said Survey to its
25 northwest corner;

26 THENCE east along the north line of said Survey to its
27 northeast corner;

1 THENCE northeast across the David Wilson Survey 83, Abstract
2 476, to the southeast corner of the F. W. Robertson Survey 71,
3 Abstract 385;

4 THENCE north along the east line of said Survey to the
5 southwest corner of the Benjamin Weed Survey 72, Abstract 483;

6 THENCE east along the south line of said Survey to its
7 southeast corner;

8 THENCE northeast across the William Gray Survey 73, Abstract
9 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest
10 corner of the D. Holderman Survey 33, Abstract 225;

11 THENCE north along the west line of said Survey to its
12 northwest corner;

13 THENCE continuing in the same line to the north line of the
14 Day Land & Cattle Co. Survey 672;

15 THENCE west along said north line of said Survey to its
16 northwest corner, which is in the east line of the Jesse Williams
17 Survey 4 to the northeast corner of said Survey;

18 THENCE west along the north line of said Survey to the
19 Southwest corner of the Amos Singleton Survey 106, Abstract 410;

20 THENCE north along the west lines of said Amos Singleton
21 Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the
22 northwest corner of said Watkins Nobles Survey 107;

23 THENCE east along the north line of said Survey to the
24 southwest corner of the Jesusa Perez Survey 14, Abstract 363;

25 THENCE north along the west line of said Jesusa Perez Survey
26 14 to its northwest corner;

27 THENCE east along the north line of said Survey to its

1 northeast corner;

2 THENCE, south along the east line of said Survey for a
3 distance of approximately 10,000 feet to its intersection with
4 Ranch Road 150;

5 THENCE, east by southeast along Ranch Road 150 approximately
6 24,500 feet to its intersection with the southern boundary line of
7 the Andrew Dunn Survey 9, Abstract 4;

8 THENCE, east along the south line of said survey as it
9 extends and becomes the southern boundary line of the Morton M.
10 McCarver Survey 4, Abstract 10, for a distance of approximately
11 7,000 feet to its intersection with Ranch Road 2770;

12 THENCE, south on Ranch Road 2770 for a distance of
13 approximately 400 feet to its intersection with FM 171;

14 THENCE, east along FM 171 for a distance of approximately
15 10,500 feet to its intersection with FM 25;

16 THENCE, north by northeast along FM 25 for a distance of
17 approximately 3,100 feet to its intersection with FM 131;

18 THENCE, east by southeast along FM 131 for a distance of
19 approximately 3,000 feet to its intersection with the east line of
20 the Thomas G. Allen Survey, Abstract 26;

21 THENCE south along the east line of said Thomas G. Allen
22 Survey to the most northerly northwest corner of the Elisha Pruett
23 Survey 23, Abstract 376;

24 THENCE southwest along a west line of said Elisha Pruett
25 Survey 23 to the west corner of said Survey;

26 THENCE southeast along the southwest line of said Survey to
27 the north corner of the John Stewart Survey; Abstract 14;

1 THENCE southwest along the northwest line of said John
2 Stewart Survey to its west corner;

3 THENCE continuing in the same line to the most northerly
4 southwest line of the John Jones Survey, Abstract 263;

5 THENCE southeast along said southwest line to an interior
6 corner of said John Jones Survey;

7 THENCE southwest along the most southerly northwest line of
8 said Survey to the southwest corner of said Survey;

9 THENCE southeast along the south line of said Survey to the
10 north corner of the James W. Williams Survey 11, Abstract 473;

11 THENCE southwest along the northwest line of said James W.
12 Williams Survey 11 to its west corner;

13 THENCE southeast along the southwest line of said Survey to
14 the north right-of-way line of the I. & G. N. RR;

15 THENCE southwest along said right-of-way of said I. & G. N.
16 RR. to the Hays County-Comal County line;

17 THENCE south along said county line to the center line of the
18 San Antonio and Nacogdoches Road;

19 (4) the part of Guadalupe County beginning at the
20 Guadalupe County-Caldwell County-Hays County-Comal County line at
21 the San Marcos River in the northwest corner of Guadalupe County,
22 Texas;

23 THENCE southeast along the Guadalupe County-Hays County line
24 to the intersect of the Guadalupe County-Hays County-Comal County
25 line;

26 THENCE southeast along the Guadalupe County-Comal County line
27 to the intersect of the Guadalupe County-Comal County-Bexar County

1 intersect at the Cibolo Creek;

2 THENCE south along the Guadalupe County-Bexar County line
3 along the Cibolo Creek to the intersect of the Guadalupe
4 County-Bexar County-Wilson County line;

5 THENCE south along the Guadalupe County-Wilson County line
6 along the Cibolo Creek to the intersect and crossing of Guadalupe
7 County road number 417;

8 THENCE east along Guadalupe County road number 417 to the
9 intersect of Guadalupe County road number 417 and Guadalupe County
10 road number 412;

11 THENCE northeast along Guadalupe County Road number 412 to
12 the intersect of Guadalupe County road number 42 and Guadalupe
13 County road number 411 A;

14 THENCE east along Guadalupe County road number 411 A to the
15 intersect of Guadalupe County road number 411 A and Farm to Market
16 road number 725;

17 THENCE north along Farm to Market road number 725 to the
18 intersect of Farm to Market road number 725 and Interstate Highway
19 number 10;

20 THENCE east along Interstate Highway number 10 to the
21 intersect of Interstate Highway number 10 and State Highway number
22 90;

23 THENCE east along State Highway number 90 to the Guadalupe
24 County-Caldwell County line at the San Marcos river;

25 THENCE northwest along the Guadalupe County-Caldwell County
26 line along the San Marcos river to the place of beginning; and
27 (5) the part of Atascosa County beginning on the north

1 line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa
2 County line, to its northwest corner, which is the northeast corner
3 of the F. Brockinzen Survey, Abstract 86;

4 THENCE south along the east line of said Survey passing
5 through its southeast corner and continuing south along the east
6 line of the F. Brockinzen Survey, Abstract 90, to its southeast
7 corner;

8 THENCE west along the south line of said survey to its
9 southwest corner;

10 THENCE north along the west line of said F. Brockinzen Survey
11 to the southeast corner of the B. Bonngartner Survey, Abstract 87;

12 THENCE west along the south line of said B. Bonngartner
13 Survey passing through its southwest corner and continuing along
14 the south line of the J. B. Goettlemann Survey, Abstract 309, to
15 the Atascosa County-Medina County line.

16 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The legislature
17 finds that the boundaries and field notes of the authority form a
18 closure. A mistake in the field notes or in copying the field
19 notes in the legislative process does not affect the organization,
20 existence, or validity of the district or the legality or operation
21 of the district or its governing body.

22 SECTION 6. FINDING OF BENEFIT. (a) The legislature finds
23 that the water in the unique underground system of water-bearing
24 formations known as the Edwards-Balcones Fault Zone Aquifer has a
25 hydrologic interrelationship to the Guadalupe, San Antonio, and
26 Nueces River Basins, is the primary source of water for the people
27 who reside within the region, and is vital to the general economy

1 and welfare of this state. The continuous and sustained withdrawal
2 of groundwater from the Edwards Aquifer at current or greater
3 levels may result in damage to the Edwards Aquifer, the Comal and
4 San Marcos Springs, and the general economy and welfare of this
5 state. There is currently no effective, consistent, or
6 comprehensive regulation of the withdrawal and use of groundwater
7 from the Edwards Aquifer and the withdrawal and use of that
8 groundwater will continue to increase unless and until effective
9 regulation is implemented. Thus, the legislature finds that it is
10 necessary and appropriate and a benefit to the welfare of this
11 state to provide for the recognition and limitation of rights to
12 withdraw groundwater from the Edwards Aquifer, through the
13 application of management mechanisms appropriate to that unique
14 system.

15 (b) The legislature further finds that all of the land and
16 other property included within the boundaries of the authority will
17 be benefitted by exercise of the powers of the authority and by the
18 works and projects that are to be accomplished by the authority
19 under powers conferred by Article XVI, Section 59, of the Texas
20 Constitution. The authority is created to serve a public use and
21 benefit.

22 SECTION 7. GENERAL POWERS. (a) The authority has all of
23 the rights, powers, privileges, authority, functions, and duties
24 provided by the general law of this state, including Chapters 50
25 and 52, Water Code, applicable to an authority created under
26 Article XVI, Section 59, of the Texas Constitution. This Act
27 prevails over any provision of general law that is in conflict or

1 inconsistent with this Act with regards to the territory.

2 (b) The rights, powers, privileges, authority, functions,
3 and duties of the authority are subject to the continuing right of
4 supervision of the state to be exercised by and through the Texas
5 Water Commission.

6 SECTION 8. BOARD OF DIRECTORS AND ADVISORY
7 COMMITTEE: COMPOSITION. (a) The authority is governed by a board
8 of nine directors,
9 consent of the senate.

10 (b) Board members shall be residents of or qualified voters
11 in a county all or part of which is included within the boundaries
12 of the authority.

13 (c) The board consists of:

14 (1) two persons appointed by the city of San Antonio;

15 (2) one person appointed by the Commissioners Court of
16 Bexar County to represent cities other than San Antonio and
17 agricultural interests;

18 (3) one person appointed by the city of New Braunfels;

19 (4) one person appointed by the city of San Marcos;

20 (5) one person appointed by the Commissioners Court of
21 Uvalde County;

22 (6) one person appointed by the Commissioners Court of
23 Medina County;

24 (7) one person appointed alternatively by the
25 Commissioners Courts of Kinney and Atascosa counties; and

26 (8) one person appointed jointly by the Commissioners
27 Courts of Comal, Guadalupe, and Hays counties.

1 (d) At the initial meeting of the board and at the first
2 meeting after new board members take office, the members shall
3 select one member to serve as presiding officer.

4 (e) An official act of the board is not valid without the
5 affirmative vote of a majority of the members of the board.

6 (f) Board members receive no compensation for service on the
7 board but are entitled to reimbursement for actual and necessary
8 expenses incurred in the performance of their duties.

9 (g) Board members shall hold office until a successor has
10 been selected and approved and has qualified by taking the oath of
11 office.

12 (h) A person appointed to fill a vacancy on the board shall
13 represent the same county or interest that the person who vacates
14 the position represents and shall serve for the unexpired term of
15 the member in whose place the person is appointed.

16 (i) The board shall appoint an advisory committee to advise
17 the board on downstream water rights and issues. That advisory
18 committee shall consist of one person from each of the following
19 counties:

- 20 (1) Caldwell;
21 (2) Calhoun;
22 (3) Comal;
23 (4) DeWitt;
24 (5) Goliad;
25 (6) Gonzales;
26 (7) Guadalupe;
27 (8) Hays;

- (9) Karnes;
- (10) Refugio;
- (11) Victoria; and
- (12) Wilson.

SECTION 9. GENERAL POWERS AND DUTIES OF AUTHORITY. (a) The authority shall adopt rules necessary to carry out its powers and duties under this Act, including rules governing its procedures.

(b) The authority may issue orders to enforce this Act or its rules.

(c) The authority may:

(1) issue or administer grants, loans, or other financial assistance to water users for water conservation and water reuse;

(2) enter into contracts;

(3) sue and be sued in its own name;

(4) receive gifts, grants, awards, and loans for use in carrying out its powers and duties;

(5) hire an executive director who will be the chief administrator of the authority and other employees as necessary to carry out its powers and duties;

(6) delegate the power to hire employees to the executive director of the authority;

(7) own real and personal property;

(8) close abandoned, wasteful, or dangerous wells; and

(9) hold permits under federal law pertaining to the Endangered Species Act.

(d) The authority shall continue existing research on the

1 technological feasibility of springflow enhancement, yield
2 enhancement, and other authorized purposes.

3 (e) The authority may contract with users to construct,
4 operate, own, and maintain water supply facilities. Management or
5 special fees may not be used for purchasing or operating these
6 facilities.

7 (f) The authority shall ensure compliance with permit,
8 metering, and reporting requirements and shall regulate permits.

9 (g) The authority has the power of eminent domain.

10 (h) The authority is subject to the open meetings law,
11 Chapter 271, Acts of the 60th Legislature, Regular Session, 1967
12 (Article 6252-17, Vernon's Texas Civil Statutes), the open records
13 law, Chapter 424, Acts of the 63rd Legislature, Regular Session,
14 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and the
15 Administrative Procedure and Texas Register Act (Article 6252-13a,
16 Vernon's Texas Civil Statutes), and their subsequent amendments.

17 (i) The authority is subject to review under the Texas
18 Sunset Act (Chapter 325, Government Code) and its subsequent
19 amendments but may be abolished only by a direct action of the
20 legislature.

21 SECTION 10. WATER QUALITY. With the approval of the
22 commission, the authority may enforce rules adopted by the
23 commission to protect and enhance the quality of water in the
24 aquifer.

25 SECTION 11. WITHDRAWALS. (a) Total permitted
26 authorizations to withdraw water from the aquifer, and all
27 authorizations and rights to make such withdrawals pursuant to this

1 Act, shall be limited in accordance with this section in order to
2 protect the water quality of the aquifer, protect the water quality
3 of the surface streams to which the aquifer provides significant
4 springflow, achieve water conservation, maximize the beneficial use
5 of water available for withdrawal from the aquifer, protect aquatic
6 and wildlife habitat, and provide for instream uses and bays and
7 estuaries.

8 (b) Except as provided by Subsections (d) and (e) of this
9 section and Section 22 of this Act, for the period ending December
10 31, 2007, the total permitted amount of withdrawals from the
11 aquifer shall not exceed 450,000 acre-feet of water per calendar
12 year.

13 (c) Except as provided by Subsections (d) and (e) of this
14 section and Section 22 of this Act, for the period beginning
15 January 1, 2008, the total permitted amount of withdrawals from the
16 aquifer shall not exceed 400,000 acre-feet of water per calendar
17 year.

18 (d) If, through studies of such water management strategies
19 as springflow augmentation, downstream diversions of the springs,
20 supplemental recharge, conjunctive management of surface and
21 subsurface water, and other strategies to optimize the yield of the
22 aquifer, it is determined that additional supplies are available
23 from the aquifer, the authority, with approval of the commission
24 and in consultation with appropriate federal agencies, may review
25 and increase the limitations established by these rules and allow
26 an additional amount of permitted withdrawals.

27 (e) When the level of the aquifer is equal to or greater

1 than 665 feet above mean sea level as measured at the J-17 index
2 well, the authority may authorize the withdrawal, on an
3 interruptible basis, of additional amounts above the limitations
4 contained in Subsections (b), (c), and (d) of this section. Such
5 additional withdrawals shall be limited to ensure that springflows
6 are not affected during critical drought conditions.

7 SECTION 12. PERMIT REQUIRED. (a) The authority shall
8 manage withdrawals from the aquifer and shall manage all withdrawal
9 points from the aquifer.

10 (b) Except as provided by Sections 14 and 29 of this Act, no
11 person may withdraw any water from the Edwards Aquifer or begin
12 construction of any well or other works designed for the withdrawal
13 of water from the aquifer without obtaining a permit from the
14 authority.

15 (c) The authority may issue regular permits, term permits,
16 and emergency permits.

17 (d) Each permit shall specify the maximum rate and total
18 volume of water that the water user may withdraw in a calendar
19 year.

20 SECTION 13. INITIAL REGULAR PERMITS. (a) The authority
21 shall, by rule, establish a program for issuing regular permits to
22 all nonexempt existing users of the aquifer.

23 (b) The authority shall require all existing users, other
24 than owners of domestic and livestock wells in accordance with
25 Section 29 of this Act, to submit declarations of historical use
26 documenting actual historical use by March 1, 1994, during the
27 period beginning January 1, 1982, and ending December 31, 1993. A

1 declaration of historical use shall constitute an application for a
2 permit if all necessary application fees are subsequently and
3 timely submitted. Failure to file on a timely basis a declaration
4 of historical use shall result in termination of the interim
5 authorization granted in Section 14 of this Act.

6 (c) For existing users who timely file declarations of
7 historical use as required by the authority and who establish, by
8 convincing evidence, beneficial use of waters of the aquifer
9 without waste, the authority shall grant a regular permit, to the
10 extent water is available for permitting, for an annual amount of
11 water equivalent to the maximum beneficial use of water without
12 waste during any one calendar year of the historical period. If
13 the total amount of water determined to have been beneficially used
14 without waste under this subsection exceeds the amount of water
15 available for permitting, the authority shall adjust claims to meet
16 the amount available for permitting, provided that no existing user
17 who has operated a well for three or more years during the
18 historical period shall receive a regular permit for less than the
19 average amount of water withdrawn during the historical period.

20 (d) Regular permits shall be issued without a term and shall
21 remain in effect until the permit is abandoned, cancelled, or
22 retired.

23 SECTION 14. INTERIM AUTHORIZATION. (a) A person owning a
24 producing well that withdraws water from the aquifer on the
25 effective date of this Act may continue to withdraw and
26 beneficially use water without waste pending final action on
27 permits by the authority, if:

1 (1) the well is in compliance with all statutes and
2 rules relating to well construction, approval, location, spacing,
3 and operation; and

4 (2) the person files a declaration of historical use
5 as required by the authority.

6 (b) Use under interim authorization may not exceed on an
7 annual basis the historical, maximum, beneficial use of water
8 without waste during any one calendar year as evidenced by the
9 person's declaration of historical use, unless such amount is
10 otherwise determined by the authority.

11 (c) Use under this section is subject to a demand management
12 plan and other rules promulgated by the authority.

13 (d) Interim authorization under this section terminates upon
14 entry of a final and appealable order by the authority acting upon
15 the application for permit for a well.

16 SECTION 15. ADDITIONAL REGULAR PERMITS. (a) To the extent
17 water is available for permitting after the issuance of permits to
18 existing users, the authority may issue additional regular permits,
19 subject to limits established in Section 10 of this Act on the
20 total amount of permitted withdrawals.

21 (b) The authority shall not consider or take action on any
22 application relating to any proposed or existing well of which
23 there is no evidence of actual beneficial use prior to December 31,
24 1993, until a final determination has been made on all applications
25 submitted on or before the initial application date of March 1,
26 1994.

27 SECTION 16. TERM PERMITS. (a) Term permits authorize a

1 person to withdraw water from the aquifer only when the level of
2 the aquifer, as measured at well J-17, is higher than 665 feet
3 above mean sea level.

4 (b) A term permit may be issued for whatever period the
5 authority deems feasible, but may not be issued for a period of
6 more than 10 years.

7 (c) The maximum total volume of annual withdrawals
8 authorized by all term permits combined may not exceed 88,000
9 acre-feet per year.

10 SECTION 17. EMERGENCY PERMITS. (a) Emergency permits may
11 be issued only to prevent the loss of life or to prevent severe,
12 imminent threats to the public health or safety.

13 (b) The maximum term of an emergency permit is 30 days.

14 (c) The holder of an emergency permit may withdraw water
15 from the aquifer without regard to its effect on other permit
16 holders.

17 SECTION 18. CONSERVATION AND REUSE PLANS. (a) The
18 authority shall require holders of regular permits and holders of
19 term permits to submit water conservation and reuse plans for
20 review and approval by the authority.

21 (b) The authority shall prepare and update biennially
22 enforceable and effective conservation and reuse plans as required
23 by this Act. Not later than September 1, 1995, the authority shall
24 submit a plan to the Texas Natural Resource Conservation
25 Commission.

26 SECTION 19. GRANTS. The authority may issue grants or loans
27 to finance the purchase and installation of equipment or

1 facilities. If the authority issues a grant for a water
2 conservation, reuse, or water management project, the beneficiary
3 shall negotiate for transfer to the authority rights to aquifer
4 water conserved by the project.

5 SECTION 20. PERMIT RETIREMENT. (a) The authority shall
6 prepare and implement a plan for reducing the maximum annual volume
7 of water authorized to be withdrawn under regular permit from the
8 aquifer from 450,000 acre-feet per year to 400,000 acre-feet per
9 year by January 1, 2008.

10 (b) The plan must be enforceable and must include water
11 conservation and reuse measures, measures to retire water rights,
12 and other water management measures designed to achieve the
13 reduction levels.

14 (c) The reductions provided for in the plan shall be
15 financed by special fees assessed on aquifer and downstream water
16 rights under Section 25 of this Act.

17 (d) If the overall volume of water authorized to be
18 withdrawn from the aquifer pursuant to regular permits is greater
19 than 400,000 acre-feet per year on or after January 1, 2008, the
20 maximum authorized withdrawal of each regular permit shall be
21 immediately reduced by an equal percentage as is necessary to
22 reduce overall maximum demand to 400,000 acre-feet per year. The
23 amount reduced may be restored, in whole or in part, as other
24 appropriate measures are implemented that maintain overall demand
25 at or below 400,000 acre-feet per year.

26 SECTION 21. ACQUISITION OF RIGHTS. The authority may
27 acquire permitted rights to use water from the aquifer for the

1 purposes of:

2 (1) holding those rights in trust for sale or transfer
3 of the water or the rights to persons within the authority's
4 jurisdiction who may use water from the aquifer;

5 (2) holding those rights in trust as a means of
6 managing overall demand on the aquifer;

7 (3) holding those rights for resale or retirement as a
8 means of complying with pumping reduction requirements under this
9 Act; or

10 (4) retiring those rights, including those rights
11 already permitted.

12 SECTION 22. DEMAND MANAGEMENT PLAN. The authority shall
13 prepare and, after commission approval, implement plans that
14 provide for demand management. The first phase of the plan should
15 be implemented when the water level in the aquifer, as determined
16 by the authority and measured at well J-17, is at 649 feet above
17 mean sea level. The plan must reduce permitted withdrawals from
18 the aquifer to 350,000 acre-feet during any 12-month period that
19 the aquifer level is at or below 625 feet mean sea level at well
20 J-17. The demand mechanisms must:

21 (1) distinguish between discretionary use and
22 nondiscretionary use for each permittee;

23 (2) require reductions, to the maximum extent
24 feasible, of all discretionary use; and

25 (3) require reduction of nondiscretionary use, to the
26 extent further reductions are necessary, in the reverse order of
27 the following water use preferences:

1 (A) domestic and municipal;
2 (B) industrial;
3 (C) irrigation;
4 (D) recreational and pleasure; and
5 (E) other reasonable and necessary uses that are
6 for a purpose authorized by law or by the commission.

7 SECTION 23. RESEARCH. (a) The authority may conduct
8 research on springflow and springflow augmentation, recharge
9 enhancement, water conservation, and other water management
10 measures to facilitate compliance with the aquifer pumping
11 reduction requirements of this Act.

12 (b) The authority may conduct research to help:

13 (1) manage water resources, including water
14 conservation, water use and reuse, and drought management measures;

15 (2) augment the flow into and out of the aquifer;

16 (3) develop alternative supplies of water for users;

17 and

18 (4) monitor and protect water quality.

19 (c) The authority may contract with other persons to conduct
20 research.

21 SECTION 24. BONDS; TAXES. (a) The authority may issue
22 revenue bonds to finance the purchase of land and facilities and
23 the installation of equipment for water conservation, water reuse,
24 or other water management measures by water users.

25 (b) Revenue bond proceeds may also be used:

26 (1) for springflow augmentation or alternative water
27 supplies;

1 (2) to provide financing for retiring water rights;
2 and

3 (3) for financial assistance for research or
4 conservation under this Act.

5 (c) Revenue bond proceeds may not be used for maintenance or
6 operating expenses.

7 (d) The authority may not levy a property tax.

8 SECTION 25. FEES. (a) The authority shall assess aquifer
9 management fees based on permitted aquifer rights to finance its
10 administrative expenses and programs authorized under this Act.
11 The authority shall also assess a special fee based on permitted
12 aquifer rights to be used only to finance the retirement of rights
13 necessary to meet the goals required by Section 20 of this Act.
14 The authority shall set the special fees on permitted aquifer users
15 at a level sufficient to match the funds raised from the assessment
16 of special fees on downstream water rights holders.

17 (b) The commission shall assess special fees on all
18 downstream consumptive and nonconsumptive water rights holders in
19 the Guadalupe River Basin to be used solely to finance the
20 retirement of aquifer rights. Fees assessed by the authority under
21 this subsection shall not be assessed on contractual deliveries of
22 water stored upstream of San Marcos or Comal Springs that may be
23 diverted downstream of the springs. Any person or entity making a
24 contractual sale of water stored upstream of the springs may not
25 establish a systemwide rate that requires purchasers of
26 upstream-stored water to pay the special fee assessed under this
27 subsection.

1 (c) In developing a fee structure to support authority
2 operations and the retirement of aquifer rights, the authority may
3 establish different fees on a per acre-foot basis for different
4 types of use. The fees shall be equitable between types of uses.

5 (d) The authority shall impose permit application fees
6 sufficient to cover the costs of processing applications.

7 (e) The authority may assess a surcharge fee as a penalty
8 for a permittee's usage in excess of permitted amounts.

9 SECTION 26. RIVER DIVERSIONS. Any well permit holder may
10 withdraw a portion of the water from a diversion point in the
11 Guadalupe River past a point where the river emerges from a spring.
12 Rights transferred under this section are senior and superior to
13 all other rights in the Guadalupe River Basin.

14 SECTION 27. MEASURING DEVICES. The owner of a nonexempt
15 well that withdraws water from the aquifer shall install and
16 maintain a measuring device approved by the authority designed to
17 indicate the flow rate and cumulative amount of water withdrawn by
18 that well. This requirement may be waived by the authority upon
19 written request by a well owner to use an alternative method of
20 determining the amount of water withdrawn.

21 SECTION 28. REPORTS. Not later than March 1 of each year,
22 each holder of a permit shall file with the authority a written
23 report of water use for the preceding calendar year on a form
24 prescribed by the authority.

25 SECTION 29. WELL PERMIT EXEMPTION. (a) A well that
26 produces 25,000 gallons or less of water per day for domestic use
27 or for the open-range watering of livestock connected with farming,

1 ranching, or dairy enterprises is exempt from permitting
2 requirements.

3 (b) Exempt wells must register with the authority.

4 SECTION 30. TRANSFER OF RIGHTS. (a) Permitted aquifer
5 water rights are marketable and transferrable only if the permitted
6 water withdrawn is used within the boundaries of the authority.

7 (b) Each permit holder shall notify the authority of a
8 change in name or mailing address or any transfer of a permit or
9 well covered by a permit.

10 SECTION 31. PROHIBITIONS. (a) The commission may not issue
11 additional regular permits to divert surface water from the
12 contributing zone of the aquifer except for the purpose of
13 recharging the aquifer.

14 (b) A person may not withdraw water from the aquifer except
15 as authorized by a permit issued by the authority.

16 (c) A person holding a permit from the authority may not
17 violate the terms or conditions of the permit.

18 (d) A person may not waste water withdrawn from the aquifer.

19 (e) A person may not pollute or contribute to the pollution
20 of the aquifer.

21 (f) A person may not violate this Act or a rule of the
22 authority adopted under this Act.

23 SECTION 32. ENFORCEMENT. (a) The authority may enter
24 orders to enforce the terms and conditions of permits, orders, or
25 rules issued or adopted under this Act.

26 (b) After a hearing, the authority may assess administrative
27 penalties of not less than \$100 or more than \$1,000 for each

1 violation and for each day of violation against a person found to
2 have violated this Act or an order or rule of the authority issued
3 or adopted under this Act.

4 (c) The authority or any affected person may file a civil
5 action in state district court to obtain injunctive relief to
6 enforce the terms and conditions of a permit, order, or rule of the
7 authority issued or adopted under this Act. If the court
8 determines that a person has violated or threatens to violate a
9 permit, order, or rule issued or adopted under this Act, the court
10 may enter an injunction to enforce the permit, order, or rule.

11 (d) The Texas Natural Resource Conservation Commission may
12 file a civil action in state district court to enforce the terms
13 and conditions of permits, orders, or rules of the commission or
14 authority issued or adopted under this Act. The Texas Natural
15 Resource Conservation Commission may file a civil action seeking an
16 order of mandamus against the authority to compel the authority to
17 perform its duties under this Act or to compel the authority to
18 enforce this Act against a violator. The Texas Natural Resource
19 Conservation Commission may recover attorney's fees from the
20 authority.

21 (e) The commission or authority may file a civil action in
22 state district court seeking civil penalties for a violation of
23 this Act. The commission or authority may recover attorney's fees
24 and a civil penalty of not less than \$100 or more than \$10,000 for
25 each violation and for each day of violation.

26 (f) An administrative or civil penalty collected under this
27 section shall be deposited to the credit of the general revenue

1 fund.

2 SECTION 33. OFFENSE. A person commits an offense if the
3 person knowingly violates a permit, order, or rule issued or
4 adopted by the commission, board, or authority. An offense under
5 this section is a Class A misdemeanor.

6 SECTION 34. EFFECTIVE DATE; TRANSITION. (a) This Act takes
7 effect September 1, 1993, except:

8 (1) this section takes effect immediately; and

9 (2) Sections 31 and 33 of this Act take effect as
10 provided by Subsections (d) and (e) of this section.

11 (b) The members of the board may be appointed before the
12 effective date in anticipation of the effective date.

13 (c) Board members may prepare for the creation of the
14 authority with the assistance of the commission, but their actions
15 may not take effect until September 1, 1993.

16 (d) Section 31 of this Act, pertaining to prohibitions,
17 takes effect January 1, 1994.

18 (e) Section 33 of this Act, pertaining to offenses, takes
19 effect January 1, 1994, and applies only to acts committed in
20 violation of a permit, rule, or order issued or adopted under this
21 Act that occurs on or after that date. Any violation of a permit,
22 rule, or order of the commission or authority or any other district
23 or authority committed before that date is governed by the law in
24 effect at the time the violation was committed.

25 SECTION 35. REPEALER; TRANSFERS; RULES. (a) Chapter 99,
26 Acts of the 56th Legislature, Regular Session, 1959 (Article
27 8280-219, Vernon's Texas Civil Statutes), is repealed, and the

1 Edwards Underground Water District is abolished.

2 (b) All files and records of the Edwards Underground Water
3 District pertaining to control, management, and operation of the
4 district are transferred from the Edwards Underground Water
5 District to the Edwards Aquifer Water Resource Management Authority
6 on the effective date of this Act.

7 (c) All real and personal property, leases, rights,
8 contracts, staff, and obligations of the Edwards Underground Water
9 District are transferred to the Edwards Aquifer Water Resource
10 Management Authority on the effective date of this Act.

11 (d) On September 1, 1993, all unobligated and unexpended
12 funds of the Edwards Underground Water District shall be
13 transferred to the Edwards Aquifer Water Resource Management
14 Authority.

15 (e) A rule adopted by the Edwards Underground Water District
16 before the effective date of this Act that relates to management or
17 control of the aquifer is, on the effective date of this Act, a
18 rule of the Edwards Aquifer Water Resource Management Authority and
19 remains in effect until amended or repealed by the authority.

20 SECTION 36. EFFECT ON OTHER DISTRICTS. A water conservation
21 or reclamation district other than the authority may not manage or
22 in any way control water that is a part of the Edwards Aquifer and
23 shall cease its operations regarding the Edwards Aquifer on the
24 effective date of this Act but may aid and cooperate with the
25 authority. This Act does not affect a water reclamation or
26 conservation district that manages and controls only water from a
27 resource other than the Edwards Aquifer.

1 SECTION 37. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

2 (a) The proper and legal notice of the intention to introduce this
3 Act, setting forth the general substance of this Act, has been
4 published as provided by law, and the notice and a copy of this Act
5 have been furnished to all persons, agencies, officials, or
6 entities to which they are required to be furnished by the
7 constitution and other laws of this state, including the governor,
8 who has submitted the notice and Act to the Texas Water Commission.

9 (b) The Texas Water Commission has filed its recommendations
10 relating to this Act with the governor, lieutenant governor, and
11 speaker of the house of representatives within the required time.

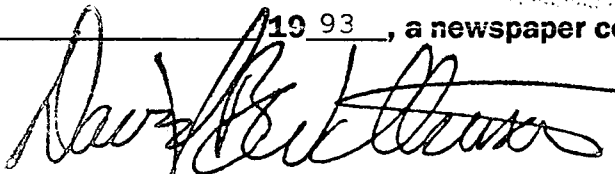
12 (c) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

16 SECTION 38. EMERGENCY. The importance of this legislation
17 and the crowded condition of the calendars in both houses create an
18 emergency and an imperative public necessity that the
19 constitutional rule requiring bills to be read on three several
20 days in each house be suspended, and this rule is hereby suspended,
21 and that this Act take effect and be in force according to its
22 terms, and it is so enacted.

COUNTY OF ATASCOSA)
THE STATE OF TEXAS)

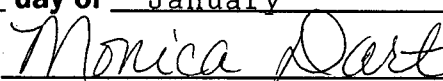
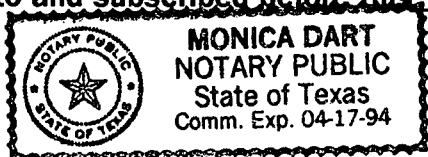
Before me, the undersigned authority, on this day personally appeared DAVID B. WILKERSON, known to me, who being duly sworn, on his oath, deposes and says that he is the EDITOR of the PLEASANTON EXPRESS, a newspaper of general circulation published in said county; that said newspaper has been continuously and regularly published in said county for a period of more than one year, that a copy of the within and foregoing notice was published in said newspaper at least once each week for a period of one (1) weeks before the return day named therein, such publication being on the following dates Wednesday, January 27,

19 93, a newspaper copy of which is attached hereto.



DAVID B. WILKERSON, EDITOR
PLEASANTON EXPRESS

Sworn to and subscribed before this 29 day of January, 19 93.



Notary Public In and For Atascosa County, Texas

NOTICE OF INTENTION TO INTRODUCE A BILL PROVIDING FOR LOCAL OR SPECIAL LAW IN THE EDWARDS AQUIFER REGION:
Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties. The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such groundwater water for the purposes of water conservation and drought management. The intended law shall further authorize the districts to make and enforce rules.
Libby Linebarger,
Robert Puente,
Representatives
(8c)

STATE OF TEXAS)

COUNTY OF BEXAR)

BEFORE ME, the undersigned authority:

personally appeared Sarah Torres-Corpus

to me personally known to be the Bookkeeper

OF THE EXPRESS-NEWS CORPORATION, daily newspapers published in the City of San Antonio,

in the county and state aforesaid, and being by me first duly sworn, deposes and says that the

advertisement of

LIBBY LINEBARGER

**NOTICE OF INTENTION
TO INTRODUCE A BILL
PROVIDING FOR LOCAL
OR SPECIAL LAW IN THE
EDWARDS AQUIFER REGION**
Notice is hereby given of the
intention to introduce a bill in
the 73rd Texas Legislature to
create a special underground
water authority which shall in-
clude in its boundaries all or
parts of Kinney, Uvalde, Mad-
rid, Bexar, Comal and Hays
Counties. The authority shall be
authorized to manage the
groundwater in the Edwards
Aquifer region and to issue per-
mits for the withdrawal of such
groundwater water for the pur-
poses of water conservation
and drought management. The
intended law shall further au-
thorize the district to make and
enforce rules.
Rep. Libby Linebarger
Rep. Robert Puente
January 18, 1993

appeared in all editions of said newspaper on the following dates:

January 22, 1993

Sarah Torres-Corpus

Subscribed and sworn to this 28th day of January, 19 93



Barbara Burleson
Notary Public, State of Texas

My Commission
Expires _____

AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS }
COUNTY OF COMAL

BEFORE ME, the undersigned authority, on this day personally appeared DAVID SULLENS

known to me, who, being duly sworn, on his oath deposes and says that he is the

PUBLISHER

of the New Braunfels Herald and Zeitung,
a newspaper of general circulation published in Comal County; that said newspaper has been continuously
and regularly published in said County for a period of more than one year; that a copy of the within fore-
going notice was published in said newspaper for a period of ONE

day(s) before the return day named therein, such publication being on the following dates:

JANUARY 26, 1993

and a newspaper copy of which is hereto attached.

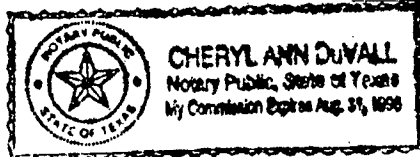
Signed David Sullens

Sworn to and subscribed before me this, the 2 day of FEBRUARY 1993

Cheryl Ann Duvall

Notary Public, State of Texas

Publisher's Fees \$ 30.00



Legal/Public
Notices **430**

NOTICE OF INTENTION
TO INTRODUCE A BILL
PROVIDING FOR LOCAL
OR SPECIAL LAW IN THE
EDWARDS AQUIFER
REGION Notice is hereby
given of the intention to
introduce a bill in the 73rd
Texas Legislature to cre-
ate a special underground
water authority which shall
include in it boundaries all
or parts of Kinney, Uvalde,
Medina, Bexar, Comal and
Hays Counties. The Au-
thority shall be authorized
to manage the groundwa-
ter in the Edwards Aquifer
region and to issue per-
mits for the withdrawal of
such groundwater water
for the purposes of water
conservation and drought
management. The intened
law shall further authorize
the district to make and
enforce rules. Rep. Libby
Linebarger and Rep.
Robert Puente. Date Ja-
nuary 18, 1993.

AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS }
COUNTY OF COMAL

BEFORE ME, the undersigned authority, on this day personally appeared Janis Davis
known to me, who, being duly sworn, on his oath deposes and says that she is the Publisher
of the Canyon Lake Times Guardian,
a newspaper of general circulation published in Comal County; that said newspaper has been continuously and reg-
ularly published in said County for a period of more than one year; that a copy of the within foregoing notice was
published in said newspaper for a period of one
day(s) before the return day named therein, such publication being on the following dates: January 27, 1993.
and a newspaper copy of which is hereto attached.

Signed Janis Davis

Sworn to and subscribed before me this, the 28th day of January 19 93

Publisher's Fees \$ _____

Mitzi Sengler
Notary Public, State of Texas



NOTICE OF INTENTION TO INTRODUCE A BILL PROVIDING FOR LOCAL OR SPECIAL LAW IN THE EDWARDS AQUIFER REGION

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties. The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such groundwater water for the purposes of water conservation and drought management. The intended law shall further authorize the district to make and enforce rules.

Libby Linebarger
(Rep. Libby Linebarger)

Robert M. P.
(Rep. Robert Puente)

January 18, 1993

(Date)

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS,

County of Guadalupe

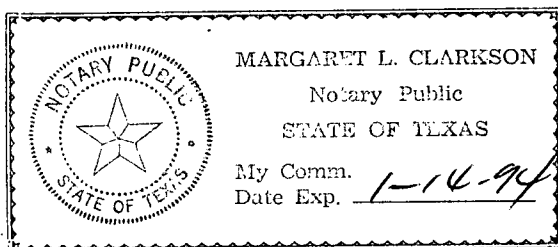
Before me, the undersigned authority, on this date personally
appeared Ron Jenkins known to me, who, being by me
duly sworn, on his oath deposes and says that he is the publisher of
The Seguin Gazette-Enterprise, a newspaper published in said county;
that a copy of the within and foregoing notice was published in
said newspaper 1 times before the return day named therein,
such publications being on the following dates:

January 24, 1993

and a newspaper copy of which is hereto attached.

Ron Jenkins

Sworn to and subscribed before me, this 28 day of Jan A.D., 19 93.



Margaret L. Clarkson
Notary Public, Guadalupe County, Texas

**NOTICE OF INTENTION
TO INTRODUCE A BILL
PROVIDING FOR LOCAL
OR SPECIAL LAW IN
THE EDWARDS
AQUIFER REGION**

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties. The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such groundwater for the purposes of water conservation and drought management. The intended law shall further authorize the district to make and enforce

rules.

(Rep. Libby Linebarger)

(Rep. Robert Puente)

January 18, 1993

THE STATE OF TEXAS }
County of Hays: }

Before me, the undersigned, holding the office of _____ Notary Public _____ in and

for Hays County, Texas, personally appeared Guy Jimble,
who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been
regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one
year immediately preceding the date of publication of this notice and that the Notice by Publication hereto

attached was published in the regular edition of said newspaper for a period of _____

One (1) Day
January

1-26, 1993,

_____ on the following dates

19____

19____

19____

19____

19____

_____, 19____, a printed clipping of said notice being hereto attached.

The said publisher further states that the rate charged for this publication is the lowest rate charged
commercial advertisers for the same class of advertising for a like amount of space.

(Signed) _____

Publisher

Subscribed and sworn to before me this _____

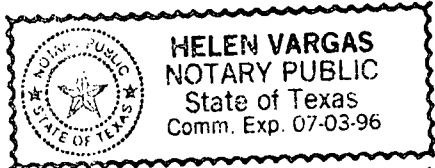
30th

day of _____

January

1993

Helen Vargas



NOTICE OF INTENTION TO INTRODUCE
A BILL PROVIDING FOR LOCAL
OR SPECIAL LAW IN THE
EDWARDS AQUIFER REGION

Notice is hereby given of the intention to introduce a bill in
the 73rd Texas Legislature to create a special underground
water authority which shall include in its boundaries all or
parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays
Counties. The authority shall be authorized to manage the
groundwater in the Edwards Aquifer region and to issue per-
mits for the withdrawal of such groundwater water for the
purposes of water conservation and drought management.
The intended law shall further authorize the district to make
and enforce rules.

/s/Libby Linebarger
(Rep. Libby Linebarger)
/s/Robert Puente
(Rep. Robert Puente)
January 18, 1993
(Date)

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared Jewel F. Robinson, of the The Brackett News, Inc., a newspaper published in the City of Brackettville, Texas, who, being by me duly sworn upon oath, deposes and says:

That said newspaper is of general circulation in the State of Texas, and that the attached Public Notice Of Intention To Introduce A Bill Providing for Local or Special Law In The Edwards Aquifer Region was Published in said newspaper in its issue(s) of

January 28, 1993

and said newspaper devotes not less than twenty-five percent (25%) of its total column lineage to items of general interest, is published not less frequently than once each week, entered as second-class postal matter in the city where it is published and has been published regularly and continuously for not less than twelve (12) months prior to the date of the publication of said Notice Of Intention To Introduce A Bill Providing For Local or Special Law In The Edwards Aquifer Region.

Jewel F. Robinson
Jewel F. Robinson/Publisher

January SWORN TO AND SUBSCRIBED BEFORE ME, this the 29th day of January, 1993.

Julius Fuentes
Notary Public, State of Texas
My Commission Expires: 5/30/93

(Notary Seal)

**Notice Of Intention
To Introduce A Bill
Providing For Local Or
Special Law In The
Edwards Aquifer Region**

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such ground water for the purposes of water conservation and drought management.

The intended law shall further authorize the district to make and enforce rules.

/s/Rep. Libby Linebarger

/s/Rep. Robert Puente

January 18, 1993

Hondo Anvil Herald

Hondo, Texas 78861

PUBLISHER'S AFFIDAVIT

The State of Texas)

County of Medina)

Before me, the undersigned authority, on this day did personally appear Frances Guinn, a person known to me, who on her oath stated that she is the Editor of the Hondo Anvil Herald, a newspaper published in Medina County, Texas, and which newspaper is of general circulation and has been published for more than twelve (12) months prior to the insertion of the attached notice, and that she knows the facts stated in this affidavit.

That the attached printed matter is a true and correct copy of the publication of the notice of which it purports to be a true copy, as the same appeared in such newspaper in the respective issues of:

1/28/93

That the charge of such

newspaper, being \$ 11.90

Frances Guinn
Frances Guinn, Editor

Subscribed and sworn to before me on this the 18

day of February, 1993

Cathy A. Walton
Notary Public
Medina County, Texas

NOTICE OF INTENTION TO INTRODUCE A BILL PROVIDING FOR LOCAL OR SPECIAL LAW IN THE EDWARDS AQUIFER REGION

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties. The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such groundwater water for the purposes of water conservation and drought management. The intended law shall further authorize the district to make and enforce rules

Rep. Libby Linebarger

Rep. Robert Puente

Pub. Jan. 28, 1993



STATE OF TEXAS

COUNTY OF

Medina

Before me, the undersigned authority, on this day personally appeared Charlie Pat DuBose, the Publisher of the Dewine News a newspaper regularly published in Medina County (Counties), Texas, and having general circulation in Atascosa, Bexar + Frio County (Counties), Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit:

January 28, 1993 Libby Linebarger

Charlie Pat DuBose

Subscribed and sworn to before me this the 19 day of Feb, 19 93, to certify which witness my hand and seal of office.

Fidela Velasquez
Notary Public in and for

Medina County, Texas



Legal Notices *

✓ **Notice of Intention To
Introduce A Bill
Providing For Local or
Special Law In The
Edwards Aquifer Region**

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties. The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such ground-water for the purposes of water conservation and drought management. The intended law shall further authorize the district to make and enforce rules.

**Rep. Libby Linebarger, Rep.
Robert Puente, Jan. 18
Publish Jan. 28, 1993**

RECEIVED FEB 19 1993

**THE MEDINA VALLEY TIMES
PUBLISHER'S AFFIDAVIT**

The State of Texas)

County of Medina)

Before me, the undersigned authority, on this day did personally appear, Stella M. Besa, a person known to me, who on her oath stated that she is the Office Manager of the Medina Valley Times, a newspaper published in Medina County, Texas, and which newspaper is of general circulation and has been published for more than twelve (12) months prior to the insertion of the attached notice, and that she knows the facts stated in this affidavit.

That the attached printed matter is a true and correct copy of the publication of the notice of which is purports to be a true copy, as the same appeared in such newspaper in the respective issues of:

Jan. 28, 1993

The charge of such newspaper, being

\$ 16.00

Stella M. Besa
Stella M. Besa,
Office Manager

Subscribed and sworn to before me on
this the 18th day of Feb.
1993.

Kathy Crouch
Notary Public
Medina County, Texas

PUBLIC NOTICE

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in it boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hayes Counties. The authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such groundwater for the purpose of water conservation and drought management. The intended law shall further authorize the district to make enforce rules.

Rep. Libby Linebarger
Rep. Robert R. Riffe
Jan. 18, 1993

PN-15-c



THE STATE OF TEXAS }
COUNTY OF UVALDE }

Before me, the undersigned authority, on this day personally

appeared Craig Garnett known to me, who being

duly sworn, on his oath deposes and says, that he is the Publisher of the Uvalde Leader-News, a newspaper of general circulation, which has been continuously and regularly published for a period of not less than one year in said County; that a copy of the within and foregoing notice was published in said newspaper ~~for at least ten days before the return day named therein~~, such publication being on the following dates:

January 24, A. D. 19 93

and a newspaper copy of which is hereto attached.

Craig Garnett
Publisher of the Uvalde Leader-News

Sworn to and subscribed before me, this 1st day of February A. D., 19 93



Carolyn Alspaugh
Notary Public in and for Uvalde Co., Texas

**NOTICE OF INTENTION
TO INTRODUCE A BILL
PROVIDING FOR LOCAL
OR SPECIAL LAW IN THE
EDWARDS AQUIFER
REGION**

Notice is hereby given of the intention to introduce a bill in the 73rd Texas Legislature to create a special underground water authority which shall include in its boundaries all or parts of Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties. The Authority shall be authorized to manage the groundwater in the Edwards Aquifer region and to issue permits for the withdrawal of such groundwater for the purposes of water conservation and drought management. The intended law shall further authorize the district to make and enforce rules.

/s/Libby Linebarger
Representative
/s/ Robert Puente
Representative
January 18, 1993

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES
STATE OF TEXAS

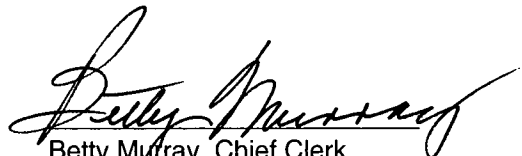
TO: The Honorable Ann W. Richards
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Water Commission copies of House Bill No. 1792, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Water Commission, under Section 59(d), Article XVI, Constitution of the State of Texas.

MAR 9 1993

Date transmitted to
Governor's Office



Betty Murray, Chief Clerk
House of Representatives

TO: Texas Water Commission

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. _____, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

Date transmitted to
Texas Water Commission


Ann W. Richards
Governor

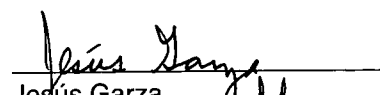
TO: The Honorable James E. "Pete" Laney
Speaker of the House

The Honorable Bob Bullock
President of the Senate

The Honorable Ann W. Richards
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Water Commission on House Bill No. _____, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Jesus Garza
Executive Director

H. B. No.

1792

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Edwards Aquifer Water Resource Management Authority and the management of the Edwards Aquifer; granting the power of eminent domain; providing civil and criminal penalties.

By

Alvarado

MAR 9 1993

1. Filed with the Chief Clerk.

MAR 11 1993

2. Read first time and Referred to Committee on

NATURAL RESOURCES

3. Reported favorably (as amended) (as substituted) and sent to Printer at

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of years, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of years, nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of years, nays, and present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of years, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of years, nays, and present, not voting).

12. Ordered Engrossed at

13. Engrossed.

14. Returned to Chief Clerk at

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) (years, nays.)

eb4

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

April 2, 1993

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives
State Capitol Building, Room 241
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59 (d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4, Section 37

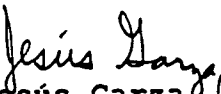
H.B. 1792 by Linebarger, et al, 73rd Legislature, Regular Session

Relating to creation of the Edwards Aquifer Water Resource Management Authority.

Dear Speaker Laney:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Respectfully yours,


Jesús Garza
Executive Director

Enclosures

cc: Representative Counts, Chairman,
House Natural Resources Committee
Representative Linebarger

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE EDWARDS AQUIFER WATER RESOURCE MANAGEMENT AUTHORITY

Water Development Policy Impact Statement for House Bill 1792 (H.B. 1792), Regular Session, 73rd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Edwards Aquifer Water Resource Management Authority follow.

Wells located within the confines of this proposed authority, which encompasses all of Bexar, Comal, Medina, and Uvalde counties and parts of Atascosa, Guadalupe, Hays, and Kinney counties, obtain their water principally from the Edwards (Balcones Fault Zone) aquifer, which underlies most of the territory of the proposed district. Wells completed in the Trinity Group aquifer provide the only source of water in the western portion of Comal County and the northern portions of Bexar, Medina, and Uvalde counties. Water is also supplied from wells completed in the Carrizo-Wilcox aquifer in the southern portions of Bexar and Medina counties. There appears to be no hydrogeologic justification for the determination of authority boundaries in Bexar, Comal, Guadalupe, Medina, and Uvalde counties. The boundaries of the proposed authority in Atascosa, Hays and Kinney counties conform to the boundaries of Subdivision No. One of the Underground Water Reservoir in the Edwards Limestone, Balcones Escarpment Area delineated by the Texas Board of Water Engineers on January 10, 1957 and amended by the Texas Water Commission on April 18, 1988. There appears to be hydrogeologic justification for the determination of authority boundaries in these counties. The boundaries of the proposed authority in Guadalupe County do not appear to conform to the Reservoir boundaries. The western portion of Comal County is located within a Water Commission-designated Critical Area, the Hill Country Critical Area.

H.B. 1792 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to an authority created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) Population projections - The boundaries of the proposed authority include all the lands within Bexar, Comal, Medina, and

Uvalde counties and portions of Atascosa, Hays, and Kinney counties. The current population residing in the proposed authority is estimated at 1.37 million people. The Board's current projections of population within the proposed authority indicates a population by the year 2010 ranging from 1.82 million to 1.93 million residents.

- 2) **District finances** - The authority may not levy a property tax. The authority shall assess aquifer management fees based on permitted aquifer rights to finance its administrative expenses and programs authorized under this Act. The authority shall also assess a special fee based on permitted aquifer rights to be used only to finance the retirement of rights necessary to meet the goals required by Section 20 of this Act. The authority shall impose permit application fees sufficient to cover the costs of processing applications. The authority may assess a surcharge fee as a penalty for a permittee's usage in excess of permitted amounts.

The authority may issue revenue bonds to finance the purchase of land and facilities and the installation of equipment for water conservation, water reuse, or other water management measures by water users. Revenue bond proceeds may also be used for springflow augmentation, alternative water, financing for retiring water rights, or for financial assistance for research or conservation under this Act. Revenue bonds may not be used for maintenance or operating expenses.

- 3) **Board of directors & powers** - This proposed district is to be governed by a board of nine directors appointed by the governor with the advice and consent of the senate. Board members shall be residents of or qualified voters in a county or a part of which is included within the boundaries of the proposed authority. The board will consist of: two persons appointed by the city of San Antonio; one person appointed by the Commissioners Court of Bexar County to represent cities other than San Antonio and agricultural interests; one person appointed by the city of New Braunfels; one person appointed the city of San Marcos; one person appointed by the Commissioners Court of Uvalde County; one person appointed by the Commissioners Court of Medina County; one person

appointed by the Commissioners Courts of Kinney and Atascosa counties; and one person appointed jointly by the Commissioners Courts of Comal, Guadalupe, and Hays counties.

Board members receive no compensation for service on the board, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. Board members shall hold office until a successor has been selected and approved and has qualified by taking the oath of office. A person appointed to fill a vacancy on the board shall represent the same county or interest that the person who vacates the position represents and shall serve for the unexpired term of the member in whose place the person is appointed.

The authority will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to an authority created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. The authority would also have the ability to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

The Act also explicitly provides the following general powers and duties similar to those given in Chapter 52 Water Code, the authority: shall adopt rules necessary to carry out its powers and duties under this Act; may issue orders to enforce this Act of its rules; may issue grants, loans or other financial assistance; may enter into contracts; may sue and be sued in its own name; may receive gifts, grants, awards and loans for use in carrying out its powers and duties; may hire an executive director; may delegate the power to hire employees to the executive director of the authority; may own real and personal property; and, may close abandoned, wasteful, or dangerous wells. The authority has the power of eminent domain. The authority is subject to the open meetings law, the open records law, and the Administrative Procedure and Texas Register Act and their subsequent amendments. The authority may, with the approval of the Texas Natural Resource Conservation Commission,

enforce rules adopted by the commission to protect and enhance the quality of water in the Edwards aquifer. The authority may assess administrative penalties and may file a civil action in state district court for a violation of this Act or its permits or rules.

The Act provides the following explicit special powers and duties related to managing and controlling the water in the Edwards aquifer. The authority shall continue existing research on technological feasibility of springflow enhancement, yield enhancement, and other authorized purposes. The authority shall ensure compliance with permit, metering, and reporting requirements and shall regulate permits. The authority: may hold permits under federal law pertaining to the Endangered Species Act; shall manage withdrawals and shall manage all withdrawals points from the aquifer; may issue regular permits, term permits, and emergency permits; shall specify the maximum rate and total volume that a water user may withdraw in a calendar year; shall, by rule, establish a program for issuing regular permits; shall require all existing users other than owners of domestic and livestock wells to submit declarations of historical use; may authorize, on an interruptable basis, withdrawal of additional amounts above the limitations set in the Act provided certain conditions specified in the Act are met; shall require holders of regular and term permits to submit water conservation and reuse plans for review and approval; shall prepare and update biennially conservation and reuse plans; shall submit a plan to the Texas Natural Resource Conservation Commission; shall prepare and implement a plan for reducing the maximum annual volume of water authorized to be withdrawn; may acquire permitted rights to use water from the aquifer for the purposes of holding those rights in trust for sale, transfer, managing overall demand and retirement of those rights in order to meet pumping reduction requirements; and, shall prepare and, after commission approval, implement plans that would provide for demand management at low aquifer water levels.

The authority is subject to review under the Texas Sunset Act and its subsequent amendments, but may be abolished only by direct action of the legislature.

- 4) **Effect on Texas Water Development Board's water plan** - The Edwards aquifer supplies a major portion of water used for municipal, industrial, and agricultural purposes within the proposed authority. The Board finds that creation of the proposed authority is not in conflict with the State Water Plan objective of effectively managing the Edwards aquifer, along with conjunctive use of surface water supplies, for providing minimum protection of springflows at Comal and San Marcos Springs.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Sections 50.101 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - The Act contains no specific provisions for the exclusion of land from within the proposed boundaries of the authority.
- 8) **Adequacy of the boundary description** - The Act provides that the authority include all the area of Bexar, Comal, Medina, and Uvalde counties, and the territory in Atascosa, Guadalupe, Hays and Kinney

counties within the boundaries specified in the Act by the field notes. In the Act, the legislature finds that the boundaries and field notes of the authority form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district or the legality or operation of the district or its governing body.

The Commission notes that there appears to be a mistake in the field notes for the boundaries of the authority in Kinney County given in the Act. The field notes are incomplete for a portion of Kinney County and do not form a closure. In addition, the points of contact with the Uvalde County boundary are not clearly identified.

Commission records indicate that there are existing ground-water districts within the boundaries of the proposed authority. These districts are the Edwards Underground Water District and the Medina County Underground Water Conservation District.

The Act repeals Chapter 99, Acts of the 56th Legislature, Regular Session, 1959; and thereby abolishes the existing Edwards Underground Water District. All files, records, real and personal property, leases, rights, contracts, staff, and obligations are transferred to the Edwards Aquifer Water Resource Management Authority on the effective date of the Act. On September 1, 1993, all unobligated and unexpended funds of the Edwards Underground Water District shall be transferred to the authority. A rule adopted by the Edwards Underground Water District before the effective date of this Act that relates to the management or control of the aquifer is, on the effective date of this Act, a rule of the authority and remains in effect until amended or repealed by the authority.

There are a number of water supply, municipal utility, water control and improvement, and other districts in the area that would be included in the authority. The Act provides, however, for the effect on other districts. The Act provides that a water conservation or reclamation district other than the authority may not manage or in any way control water that is a part of the Edwards aquifer and shall cease its operations regarding the Edwards aquifer on the effective date of this

Act, but may aid and cooperate with the authority. This Act does not effect a water reclamation or conservation district that manages and controls only water from a resource other than the Edwards aquifer. There are, therefore, no apparent conflicts between the boundaries of this district and other existing entities.

The Commission is not aware of any University Lands which would be included in the proposed authority.

- 9) **Comment on powers and duties different from similar types of districts -**
This Act proposes the creation of a regional authority to manage and control water in the Edwards (Balcones Fault Zone) aquifer, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to such authorities and the special powers and duties provided in the Act.

The Act provides the proposed authority with a number of powers, duties, and characteristics which are different from typical underground water conservation districts. These differences include both administrative differences and powers and duties which are specific to its purpose of managing water withdrawals from the Edwards aquifer. The unique administrative characteristics include an appointed board, fees instead of ad valorem taxes for revenue generation, no confirmation election, the ability to assess administrative penalties, and review under the Sunset Act. The unique powers and duties include the authority to hold a permit under the Endangered Species Act and the authority to establish, manage, and acquire permitted rights to water in the specified portion of the Edwards aquifer.

Additional Comments - The western part of Comal County, which is included within the boundaries of the authority, lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. At that time, the Commission concurred with the recommendation of its staff and the study area advisory committee that a district or districts should be created in the Critical Area; and that timely district creation via the Legislature would be the most appropriate action. The Act does not, however, specifically address management of the Trinity Group aquifer in the Critical Area in Comal County or in the area of Bexar County where there are supply and

availability problems with the Trinity Group aquifer, nor does it address management of the portions of the Carrizo-Wilcox aquifer in Bexar and Medina counties.

Section 8 (g) of the Act requires that board members take the oath of office, but does not specify the oath to be taken as is typical of such creation acts.